

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature -- Second Regular Session

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE  
3-31-16

**COMMITTEE ON EDUCATION**

Report of Regular Meeting  
Wednesday, March 16, 2016  
House Hearing Room 4 -- 2:00 p.m.

**Convened** 5:00 p.m.

**Recessed**

**Reconvened**

**Adjourned** 7:32 p.m.

**Members Present**

Mr. Bolding  
Mr. Coleman  
Mrs. Norgaard  
Ms. Otondo  
Mr. Thorpe  
Mr. Lawrence, Vice-Chairman  
Mr. Boyer, Chairman

**Members Absent**

**Agenda**

Original Agenda -- Attachment 1

**Request to Speak**

Report -- Attachment 2

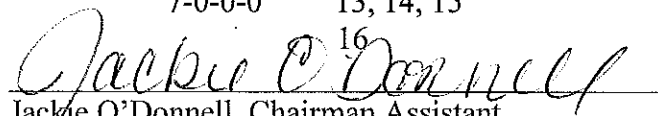
**Presentations**

<b><u>Name</u></b>	<b><u>Organization</u></b>	<b><u>Attachments (Handouts)</u></b>
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**Committee Action**

<b><u>Bill</u></b>	<b><u>Action</u></b>	<b><u>Vote</u></b>	<b><u>Attachments (Summaries, Amendments, Roll Call, Attendance)</u></b>
SB1457	DP	6-0-0-1	3, 4, 5
SB1055	FAILED	2-4-0-1	6, 7
SB1313	DISCUSS/HELD		8
SB1287	FAILED	2-5-0-0	9, 10,
SB1055	RECONSIDERED/DP	4-3-0-0	11, 12
SB1502	DP	7-0-0-0	13, 14, 15

**Attendance**

  
Jackie O'Donnell, Chairman Assistant  
Thursday, March 31, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE

3-30-16

**COMMITTEE ON EDUCATION**

Report of Regular Meeting  
Wednesday, March 16, 2016  
House Hearing Room 4 -- 2:00 p.m.

**Convened** 5:00 p.m.

**Recessed**

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Mr. Bolding  
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**Members Absent**

**Agenda**

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**Request to Speak**

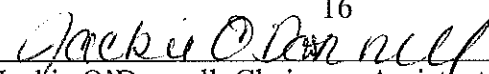
Report – Attachment 2

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SB1055	RECONSIDERED/DP	4-3-0-0	8, 9, 10, 11, 12
SB1502	DP	7-0-0-0	13, 14, 15
<b>Attendance</b>			16

  
Jackie O'Donnell, Chairman Assistant  
Wednesday, March 30, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

COMMITTEE ON EDUCATION  
Wednesday, March 16, 2016

REVISED #2 - 03/15/16

REVISED #2 - 03/15/16

REVISED #2 - 03/15/16

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session

CONVENED: 5:00 PM  
ADJOURNED: 7:32 PM

REGULAR MEETING AGENDA

**COMMITTEE ON EDUCATION**

DATE Wednesday, March 16, 2016

ROOM HHR 4

TIME 2:00 P.M.

Members:

Mr. Bolding  
Mr. Coleman  
Mrs. Norgaard

Ms. Otondo  
Mr. Thorpe

Mr. Lawrence, Vice-Chairman  
Mr. Boyer, Chairman

1. Teacher Introduction
2. Presentation - Kyrene Elementary District, Blue Ribbon Award

Bills	Short Title	Strike Everything Title
SB1457	<u>DP</u> empowerment scholarships; persons with disabilities <u>6-0-0-1</u> (Bradley, Begay, Lesko, et al) ED, RULES	
SB1502	<u>DP</u> CTE instructors; specialized teaching certificates (Yee, Allen S; Farnsworth D, et al) <u>7-0-0-0</u> ED, RULES	

**ADDENDUM #1 - 03/14/16**

\*SB1055 Failed schools; computer coding instruction  
(Kavanagh)  
0-4-0-1 ED, RULES

\*SB1240 private postsecondary institutions; police officers (now: peace officers; appointment; training)  
(Kavanagh)  
MAPS, RULES

on reconsideration

DP  
4-3-0-0

Bills	Short Title	Strike Everything Title
SB1287	<u>Fail/EC</u> Arizona online instruction; transfer credits. (Allen S)	
	<u>2-5-0-0</u> ED, RULES	
SB1313	<u>Discuss/HELD</u> Teachers; alternative certification application (Allen S)	S/E: duties; powers; superintendent; state board
	<u>                    </u> ED, RULES	

\* If first read and assigned

#### ORDER OF BILLS TO BE SET BY THE CHAIRMAN

JOD  
3/10/16  
3/14/16  
3/15/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

# Information Registered on the Request to Speak System

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*House Education (3/16/2016)*

## **SB1457, empowerment scholarships; persons with disabilities**

### **Testified in support:**

Sydney Hay, AMERICAN FEDERATION FOR CHILDREN; Katherine Visser, representing self

### **Support:**

Katie Wride, representing self; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH; Cathi Herrod, CENTER FOR ARIZONA POLICY; Beth Hallgren, 40 Days For Life campaign administrator, representing self; Ron Johnson, AZ CATHOLIC CONFERENCE

### **Neutral:**

Aiden Fleming, Arizona Department Of Education

### **Oppose:**

Gini McGirr, League of Women Voters of Arizona, Legislative Chair, representing self; Rivko Knox, representing self; Nancy Pfafflin, representing self; Alice Stambaugh, representing self; Robyn Prud'homme-Bauer, representing self; Elizabeth Hatch, AZ School Board Assn; Isaac Hung, representing self; Judith K. Moll, representing self; Carol Maas, representing self; Judith Simons, representing self; Stacey Morley, AZ EDUCATION ASSN; Mark Barnes, AZ SCHOOL ADMINISTRATORS ASSOC; Richard Davidson, representing self

### **All Comments:**

Gini McGirr, Self: I oppose this bill.; Rivko Knox, Self: Just one more step toward destroying free public education, one of the jewels of the American system of education and the envy for years of so much of the rest of the world.; Katie Wride, Self: Please support this bill that will extend the ESA for those with special needs to age 22 like in the public schools. Many of these students, like my son, are not ready to move on without a few more years of schooling. Thank you for your support.; Aiden Fleming, Arizona Department Of Education: ADE will be able to carry out the provisions of this legislation if administrative funding is provided through the budget process.

## **SB1502, CTE instructors; specialized teaching certificates**

### **Support:**

Joan Koerber-Walker, representing self; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; Jeremy Plumb, representing self; Elizabeth Hatch, Mesa Public Schools; Amanda Rusing, Arizona Bio Industry Association; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Steven Zylstra, representing self; Dianne McCallister, Arizona Technology Council; Gretchen Jacobs, JTED Consortium; Joel Todd, representing self; Alan Storm, representing self; Kevin Imes, representing self; Katherine Fischer, AZ CHAMBER OF COMMERCE; Matt Weber, representing self; Barry Aarons, ARIZONA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS; Karen McClelland, representing self

**Neutral:**

Stacey Morley, AZ EDUCATION ASSN; Aiden Fleming, Arizona Department Of Education; Richard Davidson, representing self

**All Comments:**

Aiden Fleming, Arizona Department Of Education: State Board Rule has an established alternative CTE certificate that gets teachers into the classroom without lowering standards. ADE has concerns that issuing a certificate using this method lowers overall certification standards.; Katherine Fischer, AZ CHAMBER OF COMMERCE: The Arizona Chamber supports Senator Yee's efforts to streamline this process, and encourage participation in these program.; Richard Davidson, Self: Requirements of SEI AZ/US Constitution should not be removed as it unnecessarily devalues the standard certification and creates a hard to manage sub-class of teachers.

**SB1055, schools; computer coding instruction****Neutral:**

Elizabeth Hatch, AZ School Board Assn

**Oppose:**

Stacey Morley, AZ EDUCATION ASSN; Richard Davidson, representing self; Steven Chapman, representing self

**All Comments:**

Stacey Morley, AZ EDUCATION ASSN: We oppose any mandated instruction, should be up to local boards.; Richard Davidson, Self: All teachers should be certified by accredited institutions.; Steven Chapman, Self: This bill does not address the important need to educate students in coding and other computer science skills that will be necessary for them in many future career paths. This does not create a path for students into STEM.

**SB1240, private postsecondary institutions; police officers (NOW: peace officers; appointment; training)****Support:**

Levi Bolton, AZ Police Association

**SB1287, Arizona online instruction; transfer credits.****Testified in support:**

Maveonien Creamer, representing self; John Kelly, Principal, Arizona Connections Academy; Reed Carr, representing self

**Testified as neutral:**

Joe Geusic, representing self

**Testified as opposed:**

craig Gilbert, representing self

**Support:**

Warde Nichols, PRIMAVERA ONLINE HIGH SCHOOL; James Candland, PRIMAVERA ONLINE HIGH SCHOOL

**Neutral:**

Nick Debus, CHANDLER CHAMBER OF COMMERCE; Rip Wilson, K12

**Oppose:**

Jaime Molera, Arizona School Boards Association; Elizabeth Hatch, Mesa Public Schools; Marcus Dell'Artino, CHANDLER UNIFIED SCHOOL DISTRICT NO 80; Elizabeth Hatch, AZ School Board Assn; Jaime Molera, Mesa Public Schools; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Becky Hill, SCOTTSDALE UNIFIED SCHOOL DISTRICT; Suzie DePrez, representing self; Richard Davidson, representing self; Meghaen Dell'Artino, Education Fianance Reform Group

**All Comments:**

Nick Debus, CHANDLER CHAMBER OF COMMERCE: while the chamber supports school choice/innovation, we believe that online tests need be proctored to ensure students have mastery of the material which leads to success and creates a highly skilled & ready workforce; Rip Wilson, K12: Bill improved; craig Gilbert, Self: chandler Unified for Technical Expertise; Richard Davidson, Self: Competency testing is necessary.; John Kelly, Arizona Connections Academy: For questions; Reed Carr, Self: As a parent whose child has been affected by district policy, I wish to speak in favor of this bill.

**SB1313, teachers; alternative certification application****Support:**

Rebecca Gau, STAND FOR CHILDREN; George Moriarty, representing self; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; Jessie Armendt, STAND FOR CHILDREN

**Neutral:**

Julie Smith, representing self; Elizabeth Hatch, AZ School Board Assn; Stacey Morley, AZ EDUCATION ASSN; Steven Chapman, representing self

**Oppose:**

Vicki Alger, representing self; Jose Borrajero, representing self; Richard Rutkowski, representing self; Lisa Hudson, representing self; Olga Tarro, representing self; Anita Christy, representing self; Lyle Tuttle, representing self; Joyce Hill, representing self; Whitney Shields, representing self; Jim Dutton, representing self; Terrance Traylor, representing self; JoAnn Dutton, representing self; Steve Hetsler, representing self; Jennifer Reynolds, representing self; Christopher Campbell, representing self; Clair Van Steenwyk, representing self; Archie Dicksion, representing self; Beth Hallgren, 40 Days For Life campaign administrator, representing self; Paul Johnson, representing self; Lisa Fink, representing self; Frank Olivieri, representing self; Barry Jackson, representing self; Jere Fredenburgh, representing self; Ana Henderson, representing self; Dennis Genge, representing self; Christine Maceri Genge, representing self; Nancy Hawkins, representing self; Linda Shoemaker, representing self; Greg Rucker, representing self; Danny Ray, representing self; Scott Leska, representing self; Richard Hofelich, representing self; Donald Cline, representing self; Mickie Niland, representing self; martha hayes, representing self; John Baunoch, representing self; Aaron Flannery, representing self; Ardith Hildebrant, representing self; Sandi Bartlett, representing self; Jim

Kresse, representing self; Paul Parisi, representing self; Dale Eames, representing self; Lynne Breyer, representing self; David Joyce, representing self; Kay Reardon, representing self; Jerry Clingman, representing self; Shirley Lamonna, representing self; Jan Humble, representing self; Patrick O'Malley, representing self; Mark Logan, representing self; Tom Platt, representing self; J.R. Morris, representing self; Itasca Small, representing self; Billie Bollwinkel, representing self; Barbara Yates, representing self; Jane Schutte, representing self; Kale Kiyabu, representing self; Doris Siefker, representing self; Nan Nicoll, representing self; Leah Brown, representing self; Tim Jones, representing self; Tracy Langston, Mrs., representing self; James O'Connor, representing self; elsa dewsgroseeilliers, representing self; Sophia Cogan, representing self; April Pinger, representing self; Cathy Schwanke, representing self; Aiden Fleming, Arizona Department Of Education; Jeff DeWit, representing self; Craig Hazeltine, representing self; Mark Swenson, AZ STATE TREASURER'S OFFICE; Richard Davidson, representing self; Sean Dollman, AZ STATE TREASURER'S OFFICE; Larry Hilliard, representing self; Joel Alcott, representing self; Mark Stewart, representing self

### All Comments:

Vicki Alger, Self: This striker is an affront to voters. It exempts the un-elected SBE from reporting the costs it was required to when it saddled us with CC but didn't. This striker also puts the SBE in charge of investigating immoral conduct. UTTERLY OUTRAGEOUS.; Jose Borrajero, Self: This is the old SB1416 pig with new lipstick on it. Lots of bad provisions on this bill, but the most offensive is the usurping of power away from the only SBE member directly accountable to the voters.; Richard Rutkowski, Self: Don't take authority away from our duly-elected SPI and give it to an appointed board!; Lisa Hudson, Self: I am utterly disgusted by this blatant attempt to unilaterally stifle the voice of voters in order to put unprecedented amounts of power into the hands of incompetent appointees. The same people who botched 30% of teacher discipline investigations!; Olga Tarro, Self: SB 1313 as a striker to minimize elected office of spi in favor of appointed board disenfranchises voters.; Anita Christy, Self: The last thing our lawmakers should be doing is taking away our vote and our voice! SB1313 strips power from an elected official, and hands it over to the SBE, which has an egregious performance record with no accountability.; Lyle Tuttle, Self: This is just bad legislation - a power grab; an end run around the voters. Shame on you if you vote for this!; Julie Smith, Self: Respect the will of the people and keep the Office of Superintendent of Instruction an elected position.; Whitney Shields, Self: Elected officials speak for the people.; Jim Dutton, Self: The bill undermines the will of Arizona voters. Please throw it in the trash where it belongs.; JoAnn Dutton, Self: Desperate attempt to get bad legislation passed. Please REJECT this bill.; Jennifer Reynolds, Self: Do not strip our only elected official the SPI of her authority over education and give them to an unelected, unaccountable SBE. VOTE NO SB1313! We the People of Arizona want our voice protected!; Christopher Campbell, Self: Ki don't believe that we should remove any more power from the elected Superintendent of Public Instruction.; Clair Van Steenwyk, Self: We want the Supt. to have the Authority of a Duly Elected State Executive and if any Clarification is needed must be on the side of those Elected by AZ Citizens not appointed by others and know the desired result of the Gov. is to appoint this person; Archie Dicksion, Self: First it is to be noted that the author of this strike all bill is by profession a school teacher and as such has an inherent conflict of interest. Robbing the Superintendent of its powers is a violation of public interest vote. VOTE NO ON THIS BILL; Beth Hallgren, Self: It is abominable what continues to happen while the majority of constituents are depending on you to uphold liberty and high standards. In this bill, another attempt is being made to usurp the people's voice that you are elected to represent. STOP; Paul Johnson, Self: Taking away the SPI from the People takes away a necessary balancing component to allow parents and voters to be heard. There must be checks and balances in working with the SBE regarding policies that will affect local education.; Lisa Fink, Self: This bill strips the voters of power by delegating authority to unelected boards.; Jere Fredenburgh, Self: strongly OPPOSE. We want elected officials held accountable. 'appointed' board members cannot be held accountable to the people. Oppose 1313 takes away the people's voice, the parents' voice. thank you.; Ana Henderson, Self: Our State School Superintendent is selected by election. This position is accountable to the tax



payer should remain this way as opposed to becoming an appointed position. This is how our system provides checks and balances between branches.; Dennis Genge, Self: This bill removes power from the only SBE member directly accountable to the voters. Why are politicians trying to take our voice away?; Christine Maceri Genge, Self: This bill removes power from Diane Douglas, the only SBE member directly accountable to the voters. Do not give that power to an unelected, unaccountable board; leave it w/our representative; Nancy Hawkins, Self: We don't want any more authority stripped from an elected office and given to an unelected board. Please respect the will of the voters, vote no and oppose this bill.; Greg Rucker, Self: Really? A striker in addition to SB1416? Both bills are a slap in the face of the majority of the voters of Arizona.; Danny Ray, Self: I am still puzzled as to why an elected representative would want to strip power from a constitutionally mandated officer and give it to an appointed board. More watering down of the voice of the people I suppose. Less voice more bureaucracy; Scott Leska, Self: This is an awful bill. Please vote NO!; Donald Cline, Self: Someone seems to not be getting the hint: We don't want this bill and we don't appreciate repetitive "strike all" gamesmanship to get it past us.; Aaron Flannery, Self: Stripping the SPI of duties leaves us voters without someone to hold accountable for education related issues; Ardith Hildebrandt, Self: As Legislators you have no right to overturn the will of the people who clearly elected Dianne Douglas as SPI. Ducey's Board is NOT ELECTED!; Paul Parisi, Self: We elected the Superintendent of Public Instruction to represent us, not an appointed, unelected board of education. I am opposed to taking away duties away from the Superintendent of Public Instruction.; Dale Eames, Self: Please vote No on this bill as it does not represent the will of the people.; Lynne Breyer, Self: This is a regurgitation of two other bills to strip the SPI of all power to do the job. Another very terrible bill. Please vote NO on this bill.; David Joyce, Self: The people elected Supt Diane Douglas We want the will of the people respected We don't want any more authority stripped from her office The unelected State Board of Education cannot handle its current duties—they can't handle more; Elizabeth Hatch, AZ School Board Assn: Both SBE and ADE play critical roles in the education process. There's a very fair conversation to be had about school boards and superintendents. It is the Board that is the policy maker, and the Superintendent and ADE that implement.; Shirley Lamonna, Self: The people elected Diane Douglas as Superintendent of Public Instruction to stop Common Core in AZ. It's not up to you to usurp parental authority to give it to the unelected Board of education. It's time to respect the people's wishes.; Patrick O'Malley, Self: How many times do we have to say NO!; Tom Platt, Self: Lets look at the Liberty test. By taking the duties away from an elected official and giving them to an un-elected board, will this give the voters of AZ more liberty or less. Obviously less. This is an establishment power grab. Please vote NO!; Itasca Small, Self: The Legislature is responsible for the public school system; it enacts laws/official policy. It CANNOT strip constitutionally inherent authority, powers & duties from the SPI & give them to the SBE and/or Governor! SBE IS NOT superior to the SPI!; Jane Schutte, Self: I'm with Wes Harris. Paul Boyer I don't want to see Diane Douglas stripped of her duties. She has the only educational position elected by the people. I'm a past teacher.; Kale Kiyabu, Self: Opposed to SB1313 the bill formerly known as SB1416. This legislation weakens the duties and responsibilities of the office of the Superintendent of Public Instruction, an Office created by our Constitution.; Nan Nicoll, Self: Are you kidding me? Totally against the will of the people.; Tracy Langston, Self: The AZ Constitution designates 5 executive offices w/specific delegated authorities. This unconstitutional bill emasculates the authority of the PEOPLE's elected Superintendent of Public Instruction. This is not about Douglas; it's about the people.; James O'Connor, Self: Do not vote to strip away more constitutionally authorized powers from our SPI.; elisa dewsgroseilliers, Self: I fervently oppose this bill as it will finish stripping away powers and duties of our ELECTED State Superintendent of Public Education.; Sophia Cogan, Self: Please vote NO on SB1313. This bill shifts duties and powers from our only "elected" voice over education in this state, the Superintendent of Public Instruction, to the "unelected" State Board of Education.; Stacey Morley, AZ EDUCATION ASSN: Neutral on S/E; April Pinger, Self: This is an underhanded way to take away power from the voters. Do not let this pass!; Cathy Schwanke, Self: I do not want any more authority stripped from her office (Diane Douglas). I heard SPI Douglas speak against this bill and any striker bill related to this. Please support our SPI, not work against her.; Aiden Fleming, Arizona Department Of

Education: I would like to surrender my time to Superintendent Douglas but be available for any technical questions the committee may have.; Steven Chapman, Self: I appreciate the need to clarify the roles of the Superintendent of Public Instruction and the State Board of Education.; Jeff DeWit, Self: Opposed to proposed Strike Everything Amendment; Craig Hazeltine, Self: Oppose shift of executive duties from the SPI to the School Board. SPI, as elected official, should continue to represent the people.; Mark Swenson, AZ STATE TREASURER'S OFFICE: Opposed to the S/E amendment; Richard Davidson, Self: Teachers commit serious time and money to becoming certified via academic channels. De-professionalization devalues their investment and denigrates their commitment and otherwise valuable experience.; Larry Hilliard, Self: As a legislator, would you propose and pass a bill that would strip you of any of your authority and give it to someone appointed by the governor? This would be just as bad. Please vote NO.; Joel Alcott, Self: I strongly oppose this legislation; Mark Stewart, Self: Opposed



# HOUSE OF REPRESENTATIVES

SB 1457

empowerment scholarships; persons with disabilities

Prime Sponsor: Senator Bradley, LD 10

X Committee on Education

Caucus and COW

House Engrossed

## OVERVIEW

SB 1457 outlines procedures to allow Empowerment Scholarship Accounts (ESA) students identified as having a disability to continue receiving monies until the age of 22.

## PROVISIONS

### *Annual Education Plan*

1. Allows an ESA qualified student who has been identified as having a disability and is in the second year prior to the final year of an ESA contract to spend ESA monies on costs associated with an annual education plan conducted by an independent evaluation team, beginning January 1, 2017.
2. Requires the Arizona Department of Education (ADE) to prescribe minimum qualifications for independent evaluation teams and factors to determine whether a qualified student is eligible to continue to receive ESA monies through the age of 22.
3. Requires independent evaluation teams that provide an annual education plan to submit a written report summarizing the results of the evaluation to the student's parents and ADE by July 31<sup>st</sup>.
  - a. Determines the written report submitted by the independent evaluation team to be valid for one year.
4. Allows students to continue to receive ESA monies to the age of 22 if ADE determines that the student meets the eligibility criteria prescribed in the annual education plan, subject to annual review.
5. Allows a parent to appeal ADE's determination.
6. Requires ADE to include an addendum to a student's final-year contract that contains the following written information:
  - a. The qualified student is ineligible to continue to receive monies unless the results of annual education plan demonstrates that the student meets eligibility criteria.
  - b. The parent is entitled to obtain an annual education plan.
  - c. A list of qualified independent evaluation teams that meet ADE's minimum qualifications.
7. Defines *annual education plan* as an initial individualized evaluation and subsequent annual reviews developed for a qualified student who meets specified criteria to determine ongoing annual eligibility through the school year in which the student reaches 22 years of age.

### *Annual Education Plan Development Council*

Fifty-second Legislature  
Second Regular Session

Education

## SB 1457

8. Establishes, as session law, the Annual Education Plan Development Council (Council) in ADE.
9. Requires the Council to:
  - a. develop the eligibility criteria in the form of annual education plan;
  - b. develop a request for proposals to be approved by the Arizona State Board of Education and issued by ADE for independent evaluation teams to conduct annual education plans;
  - c. review ADE policies concerning annual education plans; and
  - d. submit a report of its findings and recommendations to the Governor, the Legislature and the Superintendent of Public Instruction by December 31, 2016.
10. Allows the Council to make recommendations to ADE.
11. Requires ADE to select members for the Council and include practitioners in the field of special education and parents of current or previous qualified students identified as having a disability.
12. Determines the Council to be subject to open meeting laws.
13. Prohibits members of the Council from receiving compensation.
14. Repeals the Council on January 1, 2017.

### *Miscellaneous*

15. Requires, as session law, ADE to determine if a qualified student identified as having a disability and who is the final year of an ESA contract may continue to receive ESA monies until a determination is made through an annual education plan.
16. Requires ADE to base the determination on the student's likelihood to meet graduation requirements or obtain a high school diploma.
17. Repeals the session law on January 1, 2017.
18. Makes technical and conforming changes.

### CURRENT LAW

Laws 2011, Chapter 75, established the ESA program to provide qualified students with a portion of the monies that otherwise would be allocated for the student to attend a public school. To enroll a qualified student for an ESA, the student's parent must sign an agreement outlining the requirements of the ESA program. The agreement requires parents to use a portion of the ESA money each quarter to provide an education and prohibits the student from being enrolled in a public school. The agreement outlines the items a parent may spend ESA monies on, including tuition or fees, textbooks, educational therapies or services, tutoring and curriculum. A parent must renew their child's ESA on an annual basis. A student who has previously qualified for an ESA will remain eligible to apply for renewal until the student finishes high school (A.R.S. § 15-2402). To be eligible for an ESA a student must qualify under the statutory definition of *qualified student*, which includes students who have been identified as having a disability (A.R.S. § 15-2401).

# ARIZONA HOUSE OF REPRESENTATIVES

## Committee Report

March 16, 2016

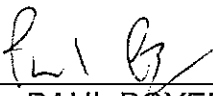
MR. SPEAKER:

Your COMMITTEE ON EDUCATION has had under consideration

SENATE BILL 1457 and respectfully recommends:

it do pass

JOD

  
\_\_\_\_\_  
PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

Attachment 4

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ EDUCATION \_\_\_\_\_ BILL NO. SB 1457

DATE March 16, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding		✓			
Mr. Coleman		✓			
Mrs. Norgaard		✓			
Ms. Otondo		✓			
Mr. Thorpe					✓
Mr. Lawrence, Vice-Chairman		✓			
Mr. Boyer, Chairman		✓			
		6	0	0	1

APPROVED: \_\_\_\_\_

PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

Jacbie O'Donnell  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

SB 1055

*schools; computer coding instruction*

Prime Sponsor: Senator Kavanagh, LD 23

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X Committee on Education

Caucus and COW

House Engrossed

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**OVERVIEW**

SB 1055 instructs public schools to require students to participate in at least one hour of interactive computer instruction in grades 4-12.

**PROVISIONS**

1. Directs school districts and charter schools to require all students to participate in at least one hour of interactive computer instruction at least once in grades 4-12.
  - a. Requires the instruction to expose students to reading, understanding and writing computer code and be offered by a nationally recognized nonprofit organization devoted to expanding access to computer science.
2. Prohibits coding instruction from being required more than once.
3. Permits children with disabilities to be exempted through a determination by the child's Individualized Education Program team.
4. Permits school districts and charter schools to apply to the Superintendent of Public Instruction (SPI) for a full or partial waiver from requirements if there is not sufficient computer infrastructure to comply.
  - a. Directs the SPI to evaluate the waiver application and make a determination.
5. Permits parents to request an exemption if previous comparable instruction was received.

**CURRENT LAW**

Not currently addressed in statute.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ EDUCATION \_\_\_\_\_ BILL NO. SB 1055

DATE March 16, 2016 MOTION: Failed

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding			✓		
Mr. Coleman		✓			
Mrs. Norgaard			✓		
Ms. Otondo			✓		
Mr. Thorpe					✓
Mr. Lawrence, Vice-Chairman		✓			
Mr. Boyer, Chairman			✓		
		2	4	0	1

APPROVED:

Paul Boyer  
PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

Jackie O'Donnell  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_

Attachment 7



## **Information Regarding the Constitutionality in Connection to the Wyoming Superintendent Issue**

Recently, there has been a lot of discussion about the constitutionality of this proposal. The former Wyoming Superintendent of Public Instruction, Cindy Hill, visited the Legislature to “educate” Members on the potential pitfalls associated with this bill and connecting it to the situation that occurred in Wyoming. The situation that took place in Wyoming has zero relation to the bill that is being considered. In Wyoming, the Legislature nearly eliminated every role of the Superintendent and created the new position of “director”. The proposal does not create any new position. The bill simply clarifies the roles and responsibilities of two constitutional entities. To insinuate that there is any connection between these two circumstances is misguided and disingenuous. Let’s look at the specifics of this situation:

- 1) In Wyoming, the Legislature diluted the powers and nearly eliminated the role of Superintendent. They removed her almost completely from statute and left her with almost zero responsibilities. This is not what is happening here with this piece of legislation. There are numerous bills running through the process that dictate the roles and responsibilities of the State Board of Education and the Superintendent of Public Instruction and there have been zero outcries from the Department as to their constitutionality. For example, H.B. 2653 sponsored by Rep. Norgaard statutorily clarifies how the K-3 reading program is to be administered. H.B. 2437 sponsored by Rep. Stevens removes the oversight of the State Board of Education’s ability to approve expenditures relating to the education data accountability system.
- 2) You have heard news reports that the Wyoming Supreme Court referenced an Arizona case in its opinion. This is true, but it deals with a situation where a constitutionally referenced officer was left as an empty shell with no powers or duties. As you can clearly see in the text of the bill, the Superintendent in our situation still administers the entire Department of Education, regulates school districts and programs and implements the school finance statutes. If this proposal were doing that, it would be unconstitutional because it requires the Legislature to prescribe those duties and responsibilities. The State Board of Education is a constitutionally referenced entity that Legislature must also recognize and prescribe duties to.
- 3) Interestingly, the Arizona Constitution outlines the supervision of the entire public school system with multiple constitutionally reference entities, not just a Superintendent of Public Instruction. Article 11, Section 2 of the Arizona Constitution specifically enumerates that the conduct and the supervision of the of the public school system shall be vested in a state board of education, state superintendent of public instruction, county school superintendents, and local school governing boards. It is interesting that the Arizona Constitution has separated out multiple entities that have supervision authority over the school system, none of which are ranked higher than the others. The Wyoming Constitution is different from the Arizona Constitution in that it makes no mention of a state board of education, county school superintendents or local district governing boards. The Arizona State Board of Education is a constitutional entity. If supporters of a single power holder over education would like a change in the Arizona Constitution to reflect a only a Superintendent of Public Instruction to have supervision over the public education system than they would need to have the voters amend the constitution to reflect those changes and amend Article 11, Sections 2, 3 & 4.

## Constitutional Overview

There has been much discussion about the constitutional nature of S.B. 1416. The Arizona Constitution is unique in its construction and the value it put on the people's elected legislature. Common phrases used in the Arizona Constitution to demonstrate the influence of the legislature include "in a manner as prescribed by law", "such as may be prescribed by law" and "shall be prescribed by law". As affirmed by decades of case law, the Arizona Legislature has discretion over all matters not specifically prohibited by the Arizona Constitution. Article 11 §§ 2, 3 and 4 lay out the governance of our education system. As noted in the constitutional language below, various entities are established including both the State Board of Education and the Superintendent of Public Instruction. Interestingly, the Arizona Constitution does not give them a single power, duty or responsibility, but rather leaves that discretion and power to the Arizona Legislature. The Legislature has the full vested authority and duty to prescribe, in any manner whatsoever, the powers and duties of both the State Board of Education and the Superintendent of Public Instruction. Neither of these constitutional entities has any power unless expressly granted by the Legislature and approved by the Governor.

### 2. Conduct and supervision of school system

*Section 2. The general conduct and supervision of the public school system shall be vested in a state board of education, a state superintendent of public instruction, county school superintendents, and such governing boards for the state institutions as may be provided by law.*

### 3. State board of education: composition: powers and duties: compensation

*Section 3. The state board of education shall be composed of the following members: the superintendent of public instruction, the president of a state university or a state college, four lay members, a president or chancellor of a community college district, a person who is an owner or administrator of a charter school, a superintendent of a high school district, a classroom teacher and a county school superintendent. Each member, other than the superintendent of public instruction, shall be appointed by the governor with the consent of the senate in the manner prescribed by law. The powers, duties, compensation and expenses, and the terms of office, of the board shall be such as may be prescribed by law.*

### 4. State superintendent of public instruction: board membership: powers and duties

*Section 4. The state superintendent of public instruction shall be a member, and secretary, of the state board of education, and, ex-officio, a member of any other board having control of public instruction in any state institution. His powers and duties shall be prescribed by law.*

## Overview of S.B. 1416

The chart below outlines the statutory or legal issues addressed in S.B. 1416 and the corresponding changes that are made. The rest of the chart outlines how current statute is structured and what current practice or context exists for that issue.

Issue Addressed	Change Made in S.B. 1416	Current Statute	Current Practice and Context
Employee & Personnel Issues	<p>Clarifies that the personnel and employees hired by the Board are supervised and directed by the Board.</p>	<p>Conflicting: A.R.S. § 15-203 gives the Board the power to employ staff but states that it is on the recommendation of the Superintendent. This recommendation process is not defined or clarified in any way.</p> <p>A.R.S. § 15-203 also allows the Board to prescribe those duties of those employees. However, in A.R.S. § 15-251, statute gives the Superintendent the power to direct the work of all ADE employees, which is specified to include Board employees.</p> <p>A.R.S. § 15-350(C) states that an "investigator who is regularly employed by the state board of education and paid by the state board of education has authority to..."</p>	<p>The current personnel statutes for these two constitutional entities are in conflict. We allow the Board to hire its own staff and prescribe the duties of those staff members, but then give conflicting statutory authority to the Superintendent. Historically, Board employees have maintained autonomy from ADE and solely reported to Board members and worked at the direction of the Board. The Superintendent filed a lawsuit last year which was dismissed in Maricopa County Superior Court and is on appeal with regards to this personnel issue. The personnel changes in S.B. 1416 are the same as H.B. 2184 from last session, which was supported by the Superintendent. Furthermore, based on the budget that was passed last year, the Board is a separate entity with 11 FTEs and its own appropriation. The Superintendent has no access to those funds or authorization to hire those employees without further legislative change and approval from the Governor.</p>
Program Management	<p>Clarifies the roles and responsibilities with regards to the administration of multiple programs including: the K-3 reading program, the K-6 ELL technology program, critical language pilot program, alternative teacher development program.</p>	<p>Conflicting: A.R.S. §§ 15-216, 15-217, 15-248.03 and 15-552 all set up various programs and use the Board and ADE interchangeably to establish these programs. For example, the K-6 ELL technology program in A.R.S. § 15-217, statute dictates that the Board shall develop a two-year pilot program and makes no mention of ADE.</p>	<p>Regardless of how statutes have been written, new programs established by the Legislature have always been administered by ADE with the Board establishing the rules, policies and guidelines to be followed by ADE. The funds are appropriated to ADE to disperse and the regulatory enforcement has always been delegated to ADE. The Board's role has been to develop the rules, policies and guidelines in open meetings to establish those programs to be carried out by ADE. There are various programs where the Board and ADE are used in conjunction with each other because they have always operated based on this model. As statute has become more complex and as legislation makes it through the process, the clear delineation of roles has become less important. The Board should have no part in the ongoing administration of programs, but rather to establish the rules and guidelines for those programs and ongoing review of their administration in open public meetings. It is the Superintendent's responsibility to ensure that funds get to where they need to go and effectively administer those programs in line with the law and Board rule.</p>

Investigative Unit	Makes a one-word change in A.R.S. § 15-203 (A)(23) to clarify and be consistent with A.R.S. § 15-350 that the investigative unit is under the control of the Board.	Conflicting: A.R.S. § 15-203 (A)(14),(19) and (20) gives the Board total regulatory oversight of certification rules, policies and discipline of teachers. Furthermore, A.R.S. § 15-350 provides for further statutory direction for the Board to investigate immoral/unprofessional conduct by teachers. A.R.S. § 15-350 speaks to what the investigative staff of the Board is allowed to do and how they are to proceed. However, there is one conflicting area in statute in A.R.S. § 15-203(A)(23) that mentions ADE.	The investigative unit has always been under the Board and was further codified in the FY 2016 budget when the Legislature appropriated over \$1 million and 11 FTEs for the Board to carry out this and its other duties. It would take the Legislature and the Governor to make that budgetary change for the Superintendent to have access to those employees and those financial resources. This is a part of the same lawsuit filed by the Superintendent, which was dismissed by the Superior Court and is on appeal. The Board has also filed a lawsuit which is still in Superior Court and has not been ruled on. There is no transfer of power or resources that were not already with the Board. If the Superintendent wanted to have the investigative unit she would need multiple changes in law as well as budgetary changes.
Fiscal Issues	Clarifies which entity has access to which funds and who distributes money with regards to which program and area of statutes.	Conflicting: A.R.S. § 15-203 (A)(18) required the Board to include within its budget the cost of the statewide assessment. This is a part of ADE's budget and part of their annual appropriation and should be accurately reflected in statute.  A.R.S. § 15-234 deals with Adult Education and allows the Board to expend monies appropriated for this purpose when in fact ADE has those monies.	Various areas in statute wrongly state that the Board apportions money or is required to include items in their budget request when in fact those items are part of ADE's budget and authority. In the process of accurately clarifying roles and responsibilities, we should have statute accurately reflect all areas where there are inaccuracies.
Policy vs. Admin.	Clarifies that the Board is the policy making entity while ADE is the administrative arm of those policies and laws with the Superintendent at the helm.	Conflicting: A.R.S. § 15-231 (B)(1) states that the "department of education shall be administered through the state board of education, which shall be the policy determining body of the department."  A.R.S. § 15-203 outlines over 40 areas that the Board is tasked with doing while ADE and the Superintendent statutes, A.R.S. §§ 15-231 and 15-251, only establish their existence and nearly 10 duties and powers.	Similar to the program and fiscal clarifications, language was added that the Board makes rules and policies and the Superintendent administers those policies. Current law already establishes those principles but was included for clarity. Furthermore, in looking at statutory history, the Legislature has muddled the laws based on who has been in power. Depending on the political environment legislation was drafted with a bias towards one entity or the other. S.B. 1416 is intended to clear the air and stop that practice. The goal is to have laws that clearly lay out roles and responsibilities without taking sides.



# HOUSE OF REPRESENTATIVES

SB 1287

Arizona online instruction; transfer credits.

Prime Sponsor: Senator Allen S, LD 6

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X Committee on Education

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1287 requires transfer credits to be awarded to students from a school district, charter school or regionally accredited Arizona Online Instruction (AOI), if courses are aligned with the State Board of Education (SBE) competency requirements.

## PROVISIONS

1. Requires core and elective credits to be awarded to students who have earned core or elective credits from a school district, charter school or regionally accredited AOI, if courses are aligned with SBE competency requirements.
2. Prohibits school districts from charging fees to students who take a course exam to obtain credit for equivalent courses previously earned through AOI.
  - a. Requires exams to be end-of-course assessments aligned with the academic standards.
3. Applies current credit transfer requirements to credits earned from school districts in another state, an AOI that is not regionally accredited or a course not aligned with SBE competency requirements.
4. Makes technical and conforming changes.

## CURRENT LAW

School districts and charter schools are obligated to provide students who transfer credits from a school district, charter school or AOI with a list of accepted elective and core credits. If core credits have been denied, the student may request to take an exam to gain credit for the particular course. School districts and charter schools are required to accept credits if the student receives a passing score on an exam aligned with SBE competency requirements and that has been evaluated by a teacher who teaches the exam subject matter (A.R.S. § 15-701.01).

Laws 2015, Chapter 127 enacted session law that requires school districts and charters schools to release a copy of a student's transcript if that student participates in a school district or charter school along with AOI. If transcripts are not received within ten days of a request, the Superintendent of Public Instruction is required to withhold \$50 per day of the school district's or charter school's state aid, up to the amount of total state aid received for that student. These requirements are repealed on July 1, 2018.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ EDUCATION \_\_\_\_\_ BILL NO. SB 1287

DATE \_\_\_\_\_ March 16, 2016 \_\_\_\_\_ MOTION: Failed

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding			✓		
Mr. Coleman			✓		
Mrs. Norgaard			✓		
Ms. Otondo			✓		
Mr. Thorpe		✓			
Mr. Lawrence, Vice-Chairman		✓			
Mr. Boyer, Chairman			✓		
		2	5	0	0

APPROVED:

Paul Boyer  
PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

Jackie O'Donnell  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_

**ON RECONSIDERATION**  
**ARIZONA HOUSE OF REPRESENTATIVES**

**Committee Report**

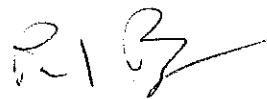
March 16, 2016

MR. SPEAKER:

Your COMMITTEE ON EDUCATION has had under consideration

SENATE BILL 1055 and respectfully recommends:

it do pass



---

PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

rca

Attachment 11

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**


ON RECONSIDERATION

COMMITTEE ON \_\_\_\_\_ EDUCATION \_\_\_\_\_ BILL NO. SB 1055

DATE March 16, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding			✓		
Mr. Coleman		✓			
Mrs. Norgaard			✓		
Ms. Otondo			✓		
Mr. Thorpe		✓			
Mr. Lawrence, Vice-Chairman		✓			
Mr. Boyer, Chairman		✓			
		4	3	0	0

APPROVED:

  
\_\_\_\_\_  
PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

  
\_\_\_\_\_  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_

Attachment 12





# HOUSE OF REPRESENTATIVES

## SB 1502

CTE instructors; specialized teaching certificates

Prime Sponsor: Senator Yee, LD 20

X Committee on Education

Caucus and COW

House Engrossed

### OVERVIEW

SB 1502 requires the Arizona State Board of Education (SBE) to issue specialized standard teaching certificates in Career and Technical Education (CTE).

### PROVISIONS

1. Requires SBE to issue specialized CTE standard teaching certificates to individuals who provide instruction in CTE courses or programs offered by a school district or Joint Technical Education District and who:
  - a. Demonstrate expertise in the area of instruction;
  - b. Demonstrate at least five years of work experience in the area of instruction; and
  - c. Comply with fingerprinting and background check requirements.
2. Requires SBE to adopt rules to carry out this Act.
3. Exempts individuals who have been issued a CTE certificate from:
  - a. Completing required classes or passing a satisfactory exam regarding the United States and Arizona Constitutions.
  - b. Passing each component of the proficiency exam.
  - c. Obtaining a Structured English Immersion (SEI) endorsement.

### CURRENT LAW

Governing boards of schools that offer CTE programs are required to employ trained instructors with qualifications fixed by SBE, along with suitable classrooms and facilities for instruction. (A.R.S. § 15-782).

In addition, SBE is required to adopt rules for standard or basic teaching certificates. To qualify for a basic or standard teaching certificate, an applicant must pass each component of the proficiency exam developed by SBE, which consists of professional knowledge and subject knowledge (A.R.S. § 15-533). Any person applying for a standard teaching certificate is required to complete classes or pass a satisfactory exam on the provisions and principles of the United States and Arizona Constitutions. Qualified vocational education instructors of special adult and evening classes are exempt from completing these requirements (A.R.S. § 15-532). An applicant is also required to obtain a SEI endorsement for a standard or basic teaching certificate (A.R.S. § 15-756.09).

### ADDITIONAL INFORMATION

Pursuant to Arizona Administrative Code R7-2-612, SBE offers CTE certificates in various areas of study, including agriculture, business and marketing, family and consumer sciences and health careers.

Fifty-second Legislature  
Second Regular Session

Education

Attachment 13

# ARIZONA HOUSE OF REPRESENTATIVES

## Committee Report

March 16, 2016

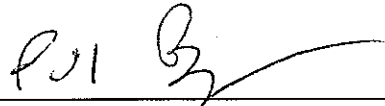
MR. SPEAKER:

Your COMMITTEE ON EDUCATION has had under consideration

SENATE BILL 1502 and respectfully recommends:

it do pass

JOD

  
\_\_\_\_\_  
PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

Attachment 14

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ EDUCATION \_\_\_\_\_ BILL NO. SB 1502

DATE March 16, 2016 MOTION: DR

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding		✓			
Mr. Coleman		✓			
Mrs. Norgaard		✓			
Ms. Otondo		✓			
Mr. Thorpe		✓			
Mr. Lawrence, Vice-Chairman		✓			
Mr. Boyer, Chairman		✓			
		7	0	0	0

APPROVED:

Paul Boyer  
PAUL BOYER, Chairman  
JAY LAWRENCE, Vice-Chairman

Jackie O'Donnell  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_

**ARIZONA STATE LEGISLATURE**  
 Fifty-second Legislature - Second Regular Session  
**COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON EDUCATION

CHAIRMAN: Paul Boyer VICE-CHAIRMAN: Jay Lawrence

DATE	3/16/16	/16	/16	/16	/16
CONVENED	5:00pm	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	7:32pm				
MEMBERS					
Mr. Bolding	✓				
Mr. Coleman	✓				
Mrs. Norgaard	✓				
Ms. Otondo	✓				
Mr. Thorpe	✓				
Mr. Lawrence, Vice-Chairman	✓				
Mr. Boyer, Chairman	✓				

✓ Present      --- Absent      exc Excused